

REMARKS

Claims 1-40 are pending. Claims 1-2, 10-13, 17-18, 20, 22-23, 25-30 and 37-40 are rejected under 35 U.S.C. § 102(e) over Suenaga, U.S. Patent No. 6,525,249. Claims 3-6 are rejected under 35 U.S.C. § 103(a) over Suenaga in view of Duncan, U.S. Patent No. 4,852,443. Claims 14-16 and 24 are rejected under § 103 over Suenaga in view of Belli, U.S. Patent No. 4,589,323. Claims 31-36 are rejected under § 103 over Suenaga in view of Klynas, U.S. Patent No. 4,479,412. Claims 7-9, 19 and 21 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, which Applicants acknowledge with gratitude.

By this amendment, Applicants amend claims 1, 20, 28 and 37, and traverse the rejections. Reconsideration is respectfully requested.

In paragraph 2 of the Office Action, claims 1-2, 10-13, 17-18, 20, 22-23, 25-30 and 37-40 are rejected under § 102(e) over Suenaga. Applicants respectfully traverse for the following reasons.

Nowhere does Suenaga show or suggest, as required by independent claims 1, 20, 28 and 37 of the present application, a percussion pad including “a surface to be beaten by a player, the surface being *smooth and extending without apertures*” (Emphasis added.) In contrast, Suenaga has apertures rather than being smooth and extending without apertures. As Suenaga itself acknowledges, Suenaga’s drumhead 11 has “plenty of apertures (or small opening holes) 32.” (Column 3, lines 48-49.) The apertures 32 are clearly shown in Figure 2 of Suenaga. Each independent claim of the present application, however, has a surface “being smooth and extending without apertures.”

In view of the above, each of independent claims 1, 20, 28 and 37 are patentable over Suenaga. Withdrawal of the rejections of these claims on this ground is thus respectfully requested. Claims 2, 10-13, 17-18, 22-23, 25-27, 29-30 and 38-40 depend on independent claims 1, 20, 28 and 37, and are likewise patentable. Withdrawal of the rejections of these claims on this ground is thus respectfully requested.

In paragraph 4 of the Office Action, claims 3-6 are rejected under § 103(a) over Suenaga in view of Duncan. Applicants traverse these rejections for the following reasons.

The Office Action acknowledges that Suenaga fails to disclose an “accumulator . . . formed by an array of pillars”, but states that Duncan supplies this missing limitation. Applicants respectfully disagree.

Claim 1 requires “a base . . . held *in contact* with said accumulator”, and claim 3 requires that the accumulator is formed by an array of pillars.” The Office Action states that Duncan’s “pillars” are projections 1’, and Duncan’s “base” is electrode 3 (see Figure 1). However, in Duncan, projections 1’ are *not in contact* with electrode 3, as required by claims 1 and 3. As seen in Figure 1, there is a gap between projections 1’ and electrode 3. Thus, contrary to the Office Action’s assertions, Duncan cannot supply the missing limitation of “a base . . . held in contact with said accumulator.” Accordingly, claim 3 is patentable because Suenaga and Duncan, even if combined, fail to teach each and every limitation of claim 3. Withdrawal of the rejection of claim 3 on this ground is thus respectfully requested. Further, claims 4-6 depend from claim 3 and are likewise patentable. Withdrawal of the rejections of claim 4-6 on this ground is thus respectfully requested.

In paragraph 5 of the Office Action, claims 14-16 and 24 are rejected under § 103(a) over Suenaga in view of Belli. Applicant respectfully traverses for the following reasons.

Claims 14-16 require “a supporter for keeping said base held in contact with said accumulator.” Further, claim 24 depends from claim 22, which likewise requires “a supporter for keeping said base held in contact with said accumulator.” However, the Office Action states that “[i]t would have been obvious to one having ordinary skill in the art to modify Suenaga’s pad as taught by Belli et al. to include a supporter formed by a protection sheet . . . for the purpose of supporting the base.” However, Belli teaches “an insertable plastic support means to hold a layer of resilient foam against the underside of a drum head. The foam reduces the sound of the drum while reducing the drum overtones.” (Column 1, lines 43-47.) In other words, Belli’s foam support 14 is for the purpose of muting and not, as the Office Action states, “for the purpose of supporting the base.” In view of the above, the Office Action has failed to show that claims 14-16 and 24 are unpatentable over the combination of Suenaga and Belli. Withdrawal of the rejections on these claims is thus respectfully requested.

In paragraph 6 of the Office Action, claims 31-36 are rejected under § 103(a) over Suenaga in view of Klynas. Applicant traverses for the following reasons.

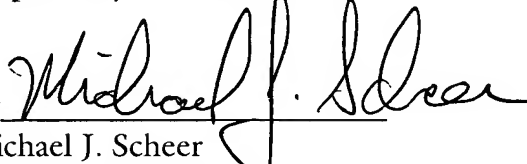
Like claim 1, claim 28 (from which claims 31-36 depend) requires a “base . . . held *in contact* with said accumulator.” For reasons similar to those given above with respect to the patentability of claims 3-6 over the combination of Suenaga and Duncan, Klynas does not show a base held in contact with said accumulator. Thus, the Office Action has failed to show that claims 31-36 are unpatentable under § 103 over Klynas. Withdrawal of these rejections on this ground is thus respectfully requested.

Applicants again acknowledge with gratitude that claims 7-9, 19 and 21 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten. Applicants respectfully defer so amending pending reconsideration of their arguments herein by the Examiner.

Applicants have shown that each of the pending claims of the present application are patentable over the cited art under §§ 102 and 103. In view of the above, Applicants each of the presently pending claims are in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

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